

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Wesley Givens,	)	Case No. 9:20-cv-03666-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
	)	
Daniel Harrouff, Officer Potevein,	)	
Sgt. Love, Ms. Merchant, Charles	)	
Williams, Carter Earlie, Susan Duffie,	)	
John Palmer, Bennett, A. Green Harouff,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff's amended complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 20. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Molly H. Cherry for pre-trial proceedings and a Report and Recommendation ("Report"). On December 6, 2021, Plaintiff filed a document titled "dispositive motion." ECF No. 60. Defendants Bennett, Susan Duffie, Carter Earlie, Daniel Harouff, Officer Potevein, John Palmer, Sgt. Love, and Charles Williams ("the Moving Defendants") filed a response in opposition. ECF No. 61. On January 10, 2022, Plaintiff filed a motion to request separation/permanent restraining order. ECF No. 62. The Moving Defendants filed a response in opposition. ECF No. 66. On January 19, 2022, the Moving Defendants filed a motion for summary judgment. ECF No. 63. Plaintiff filed a response in opposition and a supplement, and the Moving Defendants filed a reply

and additional attachments. ECF Nos. 71, 73, 74, 75, 77. On May 23, 2022, Plaintiff filed a motion for restraining order, and the Moving Defendants filed a response in opposition.<sup>1</sup> ECF Nos. 82, 85.

On July 20, 2022, the Magistrate Judge issued a Report recommending that the Moving Defendants' motion for summary judgment [63] be granted, that Plaintiff's "dispositive motion" [60] be denied, that Plaintiff's motion to request separation/permanent restraining order [62] be denied, that Plaintiff's motion for restraining order [82] be denied, that Nurse A. Green Harouff and Ms. Merchant be dismissed pursuant to Federal Rule of Civil Procedure 4(m), and that this case be dismissed. ECF No. 86. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or

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<sup>1</sup> During this timeframe, Plaintiff also filed two motions to appoint counsel and a motion to compel discovery. ECF Nos. 68, 70, 72. The Moving Defendants opposed the first motion to appoint counsel and the motion to compel discovery. ECF Nos. 69, 76. The Magistrate Judge denied these motions by orders dated March 24, 2022. ECF No. 78, 79.

recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As stated above, Plaintiff has not objected to the Magistrate Judge's Report. Accordingly, after considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Defendants' motion for summary judgment [63] is **GRANTED**, Plaintiff's “dispositive motion” [60] is **DENIED**, Plaintiff's motion to request separation/permanent restraining order [62] is **DENIED**, and Plaintiff's motion for restraining order [82] is **DENIED**. Nurse A. Green Harouff and Ms. Merchant are **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

September 26, 2022  
Spartanburg, South Carolina